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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR-07-00457-RMW  
Plaintiff, )  
v. ) STIPULATION AND [PROPOSED]  
MICHAEL WAYNE GAITHER, ) ORDER TO CONTINUE DEFENDANT'S  
Defendant. ) SENTENCING

The parties, including the defendant, stipulate as follows:

1. On October 1, 2007, defendant Michael Wayne Gaither (“defendant”) pled guilty, pursuant to a plea agreement, to the indictment in the above-captioned case, charging him with one count of being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g). The Court scheduled defendant’s sentencing for January 7, 2008 at 9:00 a.m.

Defendant is not in custody.

2. Because of the holidays, government counsel will be unavailable the week of January 2, 2008 and needs additional time to respond to defendant's anticipated sentencing memorandum. Therefore, the parties respectfully request that the Court continue defendant's sentencing from

**STIP. TO CONT. SENTENCING  
U.S. v. GAITHER, NO. CR-07-00457-RMW**

1 January 7, 2008 to January 14, 2008 at 9:00 a.m..

2 IT IS SO STIPULATED.

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4 SCOTT N. SCHOOLS  
United States Attorney

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6 Dated: December 4, 2007

/s/ Hanley Chew \_\_\_\_\_  
HANLEY CHEW  
Assistant United States Attorney

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8 Dated: December 4, 2007

/s/ Nicholas Humy \_\_\_\_\_  
NICHOLAS HUMY  
Attorney for Defendant

9  
10 [PROPOSED] ORDER

11 Having considered the stipulation of the parties, and good cause appearing, the Court  
12 orders that defendant Michael Wayne Gaither's sentencing is continued from January 7, 2008 to  
13 January 14, 2008 at 9:00 a.m.

14 IT IS SO ORDERED.

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16 DATED: \_\_\_\_\_

17 THE HONORABLE RONALD M. WHYTE  
United States District Court Judge

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